STRICTURES

ON THE

MOTIONS

MADE IN THE LAST PARLIAMENT,

RESPECTING

THE PLEDGE

WHICH

HIS MAJESTY

WAS UNDER THE NECESSITY OF DEMANDING FROM

HIS LATE MINISTERS,

&c.

Price 2s.

S. Gosnell, Printer, Little Queen Street.

James Lord Bruce

STRICTURES

ON THE

MOTIONS

MADE IN THE LAST PARLIAMENT,

RESPECTING

The Pledge

WHICH

HIS MAJESTY

WAS UNDER THE NECESSITY OF DEMANDING FROM

HIS LATE MINISTERS;

AND WHICH, IN THOSE MOTIONS, WAS MOST
UNCONSTITUTIONALLY MADE

A SUBJECT OF ACCUSATION.

IN

A LETTER

TO THE

Right Hon. Lord Viscount Howick.

BY JOHN BOWLES, ESQ.

LONDON:

PRINTED FOR JOHN JOSEPH STOCKDALE, NO. 41, PALL MALL.

1807.

PR 911 1809 B69

A

LETTER,

&c.

My Lord,

In a Letter * which I lately addressed to Mr. Whitbread, I made some cursory observations on the measure which your Lordship had proposed to the House of Commons, respecting the unrestricted admission of Romanists and other Dissenters into the army and navy. As my object in taking up my pen on that occasion was by no means of a personal or party nature, but merely to contribute my humble endeavours to guard the established Church against the undermining operations of Mr. Joseph Lancaster, and the more open at-

* " A Letter addressed to Samuel Whitbread, Esq. M. P. in consequence of the unqualified Approbation expressed by him in the House of Commons, of Mr. Lancaster's System of Education; the religious Part of which is here shewn to be incompatible with the Safety of the established Church, and, in its Tendency, subversive of Christianity itself. Including also some cursory Observations on the Claims of the Irish Romanists, as they affect the Safety of the established Church."

tacks of the Irish Romanists, I refrained, in the first instance, from animadverting upon the transactions which more immediately led to the late change of Administration. But as, since that event, attempts have been made to obtain a parliamentary censure upon a personal act of His Majesty, I should consider myself deficient in loyalty to my King, and in attachment to the constitution of my country, were I not to take this opportunity of entering my formal and solemn protest against a proceeding which, if it be not marked with general and decided reprobation, may, at some future period, be drawn into a fatal precedent, and conduce to a repetition of the foulest act that has ever stained the British annals.

It is a notorious fact that His Majesty demanded of his late Ministers a pledge, their rejection of which was the cause of their dismission from office. Scarcely was this result produced, when Mr. Brand made the following motion in the House of Commons: "That it is contrary to the "first duties of the confidental servants of the "Crown, to restrain themselves by any pledge, "expressed or implied, from offering to the King "any advice which the course of circumstances "may render necessary, for the welfare and se-"curity of any part of His Majesty's extensive "empire."

This motion gave rise to a long debate; and

upon a division it was supported by no fewer than 226 members, who voted against a motion to pass to the order of the day. A very few days afterwards the Marquis of Stafford made a motion in the House of Lords, part of which was as follows: "That it is the first duty of the responsible "Ministers of the Crown not to restrain themselves by any pledge, expressed or implied, from "giving any advice to His Majesty, which, to "the best of their judgments, the course of circumstances may render necessary for the honour "of His Majesty's Crown, and the security of "his dominions." This motion also gave rise to a long debate, and the question of adjournment was carried by a majority of only 81, there being 90 non-contents against that question, who of course virtually supported the original motion.

These motions, it is true, assumed the form of abstract propositions. But if they could have been considered abstractedly, the discussions to which they gave rise would have been a miserable waste of the time of Parliament. It was, however, impossible, after what had passed, so to consider them. They were evidently and indisputably brought forward in consequence of the demand of a pledge, which His Majesty had made upon his late Ministers, and they bore an obvious and a direct allusion to that demand: it was indeed admitted that they had for their object the justifica-

tion of the Ministers, who refused to give the pledge which had been required of them, and the value of whose characters was assigned as the reason for entering upon such a discussion. But supposing them to have been necessary for that purpose; surely it was incumbent upon the proposers and supporters of such motions to consider whether it was decent, whether it was loyal, whether it was constitutional, to attempt a vindication of the character of Ministers, at the expense of that of their royal Master.

That the motions in question involved a positive censure on the *act* of demanding a pledge, no one, I conceive, will venture to deny; for they contained the most express declarations that it is contrary to the first duty of Ministers, to bind themselves by *any* pledge, expressed or implied; and no truth can be more obvious than that it must be wrong to call upon Ministers to do what is contrary to their first duty. Indeed, in support of one of the motions it is reported to have been said, that *the pledge which had been demanded of the late Ministers was dangerous to the constitution, inimical to the interests of the country, and subversive of the prerogative of the Crown*; and further, that *such a pledge would have made the King absolute.*

But in order to ward off the odium which is inseparable from an attempt to criminate the Sovereign, it is pretended that the censure, so

clearly involved in the above motions, was imputed, not to the King, but to his advisers. Before, however, a personal act of the King was censured, his responsible advisers ought to have been designated, and the charge of advising clearly proved upon them; for His Majesty should not for a moment be exposed to imputation of blame. Such preliminary proof was the more necessary, because every appearance, every presumption, was against the supposition, that, in this instance, the King had acted by advice. He was not only the sole ostensible agent, but he acted solely, as his people firmly believe, from the dictates of his own judgment and the impulse of his own heart. His constitutional advisers, at the time, were the Ministers in office; and they alone were responsible for the acts of the executive government. But, on this occasion, His Majesty was at issue with those Ministers, and the question was altogether a personal one between the Crown and its servants. In spite, however, of presumptions, appearances, and facts, which concur so strongly to repel the supposition that His Majesty, in the transaction alluded to, had any advisers; it has been proposed in Parliament, in the first place, to censure, as unconstitutional, a royal act; and then, in order to justify such a proposal, attempts have been made to conjure up phantoms of secret advisers, whose dark counsels, it was insinuated, were the hidden spring which

produced the alleged breach of the constitution. Such an insinuation is nothing less than a fresh accusation against His Majesty—an accusation, nevertheless, which is so completely refuted by the known frankness of his character, and the whole tenour of his reign, that it requires no other notice, than an expression of that indignation which it must excite in every loyal breast.

An attempt of a different nature to discover responsible advisers, who might screen the accusers of their King from the just resentment of their country, is deserving rather of contempt than indignation. It is pretended that the present Ministers, by listening to the call of their Sovereign, when he stood in need of their services, had made themselves responsible for a measure which occurred while their predecessors were in office: that is to say, by accepting official situations, they became accountable for acts, which preceded the period of their own administration; acts which they had no opportunity of advising, which they had no means of preventing, and which passed altogether without their privity. How far this doctrine of transmissible responsibility is meant to be carried, and what are to be its assigned limits, it may be difficult to ascertain; but its promulgation proves that there are no limits to the absurdity of men, who make their reasoning powers subservient to the views of party.

In aid of such miserable subterfuges recourse is had to a fallacy, subversive of that prerogative of the Crown, which is the main spring of the executive government. It is contended that the King can do no act without responsible advisers: and it being found impossible, in the present instance, to discover such advisers, this doctrine is brought forward, like a fiction in law, to furnish imaginary beings, certain non-entities—like John Doe and Richard Roe, or a common vouchee—to supply their place. But if the above doctrine were true, it would reduce to a nullity the King's undoubted right to choose his own Ministers, and to dismiss them at pleasure. The exercise of that right is necessarily the personal act of the King: and if he were not free to exercise it without advice, and without any direct restraint, he would be a mere cypher—a pageant of royalty; and the monarchy itself would not only be shorn of its splendour, but deprived of all vigour and efficiency. There are indeed checks, of an indirect nature, and arising out of the practice of the Constitution, which impose a considerable, and oftentimes, by their abuse, a most mischievous restraint upon this prerogative. For as Government cannot be carried on without Ministers, so Ministers cannot conduct the affairs of Government without the confidence and support of Parliament; and hence a powerful restraint, though of an indirect nature,

is imposed upon the unquestionable right of the Crown to choose its own servants: a restraint, my Lord, of which faction is ever ready, as you well know, to take advantage, in order to cramp and fetter the prerogative, by harassing the operations of Government, even though conducted by consummate ability and unimpeachable integrity. But independently of restraints of this nature, the prerogative in question, in order to be efficient, nay, in order to be any thing but a mere empty form, must be uncontrolled. In its free exercise consists the constitutional independence of a British Monarch. It requires neither advisers nor agents. It therefore does not, and cannot, with justice, involve any responsibility; if it did, the King must be *personally* responsible: a supposition from which the constitution is most abhorrent.

It is true, if any person, though not in a Ministerial situation, a Privy Councillor for instance, can be proved to have approached the Throne with his advice to dismiss faithful servants, or to appoint such as are incompetent or corrupt, responsibility will attach to such person for such advice. For it is highly fitting that whosoever actually counsels the Sovereign, respecting any exercise whatsoever of the prerogative, should be subject to a strict responsibility for the use he makes of the confidence which is reposed in him. But a case of this nature must rest upon proof, not upon

presumption. In the case before us, instead of proof, there is not even the slightest presumption to authorize a suspicion, that any individual whatever has acted in the character of adviser; and an attempt which has been made to fix that character upon a Noble and a Learned Lord, whom the nation rejoices to see once more in that high, and, at times like these, peculiarly important situation, to which the Constitution has more immediately committed the care of the King's conscience, has not only completely failed, but has redounded to the disgrace of those by whom it was made.

But it is said, and truly said, the King can do no wrong, and *hence* it is inferred that the King can do no act without responsible advisers. This however, upon a little consideration, will be found to be a *non sequitur*. That *the King can do no wrong*, or, in other words, that he is personally irresponsible, is a maxim founded in necessity; for it is of the very essence of an *efficient* monarchy. But it by no means follows that responsibility is commensurate with royal inviolability. Such a doctrine would, as we have just seen, annihilate the prerogative which is the main spring of the machine of Government. For if he King cannot act, in any case, without responsible advisers, he can do no act of himself, he can perform no function, he can exercise no agency; and thus the fundamental maxim which is so much relied on, would

destroy the constitutional independence of the Crown; and instead of saying the King can do no wrong, the language of the Constitution would be, the King can do no act, of any kind or description whatever: in other words, he would be a mere cypher in the Government. It is truly astonishing that persons who make their boast of the theory of the Constitution, and who have had much to do with its practice, should be so ignorant of its true principles. The object of ministerial responsibility is the protection, not of the King (that is fully provided for by the maxim that the King can do no wrong), but of the people; and the doctrine of responsibility, therefore, is not applicable except where such protection is wanted. This is the case only with regard to those acts of the prerogative, which may be said to pass between the King and his people. But the King can do no wrong, and therefore cannot be made accountable even for *such* acts; and unless responsibility vest somewhere, the people, however injured, would be without remedy. Ministerial responsibility is therefore interposed between the King and the People, for the benefit of both: the former it shields from all odium and censure, the latter it protects from abuse of power. But for those acts of the prerogative which pass solely between the King and his Ministers, it would be palpably unjust to make the latter responsible, since those acts are in no respect

ministerial: such acts therefore are placed, by the operation of the maxim—the King can do no wrong—out of the reach of censure, and they ought, in point of decency, to be considered out of the reach of public discussion. Of this description clearly was the exaction of the pledge, which His Majesty demanded of his late Ministers, and which it has been attempted to make a ground of Parliamentary censure.

The principle, which is expressly recognised by the Constitution as the true ground of ministerial responsibility, is strongly confirmatory of the above reasoning. That principle relates to the necessity of ministerial agency to carry into effect the acts of the executive government. "As the King" (says Blackstone) "*cannot* misuse his power, without the advice of evil counsellors and the assistance of wicked Ministers, these men may be examined and punished." It is well known that in the conduct of his government the King cannot act without Ministers, who are not only his confidential advisers, but also his necessary agents, to carry on the business of the country. No act of the executive government, properly so called, can be performed without such assistance; and therefore Ministers are made responsible, not merely for the advice which they actually give, but for their ministerial agency, in carrying into effect even measures which perhaps they disapprove. Thus the people

have the best security against misconduct, which a state of society can afford; and the principle of responsibility is made efficient to every valuable purpose which it is capable of answering. This construction of the doctrine of responsibility is also necessary to reconcile it to the first principles of justice. For as Ministers are perfectly free, not only to give their royal Master whatever advice they think proper, but also to retire from office if their opinions be not suffered to prevail, they are justly held responsible for the measures of their administration. But it would be the height of injustice to make them responsible for acts which are out of the limits of their interference, and in the execution of which they exercise no agency—acts against which they have not only no opportunity of interposing their advice, but which it is totally out of their power to prevent; acts, in short, which are purely personal to the Sovereign, and which therefore involve no responsibility—for the rule that the King is not in any case responsible, is inviolably sacred.

Such, my Lord, is my construction of the maxim, so often quoted, and, as I apprehend, but little understood, *the King can do no wrong*, and of the great constitutional doctrine of ministerial responsibility; and I am emboldened to think, that this construction is right, because it seems to me to be the only one by which the

harmony of the Constitution can be preserved, and its fundamental principles made consistent either with reason and justice, or with each other.

As a last resource, the supporters of the doctrine, that for every possible exertion of the prerogative there must be responsible advisers, advert, but with very bad success, to the cases of Lord Somers and Lord Danby. According to these precedents, Lord Somers was held to be responsible for a measure which was adopted in opposition to his advice; and Lord Danby failed to get rid of his responsibility as a Minister, although it was proved by the Royal sign manual, that he acted in pursuance of the King's express order. But it should be remembered, that both these cases related to measures, which could not be carried into execution without the intervention of Ministers. They were therefore most properly considered the acts of Ministers, even of those against whose opinion and advice they were adopted; and who were not entitled to plead the King's express authority, in the one instance, or actual opposition to his will in the other, in bar of their own responsibility for measures, to which they not only gave their sanction, by continuing in office, but of which they were, in fact, the very agents who carried them into execution. These cases therefore differ essentially from the one immediately under consideration, which relates to a personal act of

the King, and which is, in its nature, totally independent of all ministerial advice or agency whatever. As far, indeed, as the former can be made to bear upon the latter, they operate to the disadvantage of the late Ministers, who, by persisting to continue in office, after the act of which they complained, took upon themselves whatever constructive responsibility Ministers could be liable to for a measure of that peculiar description, and at the same time induced the necessity of that painful exertion of the prerogative, which, after their refusal of the pledge, nothing but their resignation could prevent.

It would however have been comparatively well, if the question between the King and His late Ministers had been suffered to close with their dismission from office. A scene the most distressing to every loyal breast, and an example fraught with the utmost danger to the Constitution, would then have been prevented; and Parliament would have escaped the disgrace of being called upon, by some of its own Members, to sit in judgment upon an act of Royalty, which, as it could not be proved to involve either ministerial or any other kind of responsibility, could be brought forward, by way of accusation, only against the Sovereign Himself. But even this was not all. The heinous guilt of attempting to criminate the Sovereign, and of arraigning at the bar of Parliament that sacred

Personage whom the Constitution declares to be incapable of wrong, was aggravated by the manner in which the charge was preferred and supported. The case was so stated as to excite false and injurious impressions respecting the measure, which was the subject of accusation. The motions which contained the charge appeared in the form of abstract propositions—without any allusion to the very extraordinary circumstances that preceded, and indeed produced, that demand of a pledge, which in those motions, and still more expressly in the course of the debate to which they gave rise, was alleged to have been made in breach of the Constitution. Judging of the case from such proceedings, any one would suppose that His Majesty had suddenly called upon his Ministers for a pledge, without any previous communication with them on the subject to which it related. If indeed this had been the fact, it would still have been a violation of the Constitution to censure such a call, unless it had first been proved to have resulted from the counsel of some responsible adviser. But the communications between the King and his Ministers which preceded the demand of the pledge, and out of which it actually arose, are so essential a part of the case, and so necessary to be taken into consideration, in order to enable any one to form a just notion of the subject, that nothing could be more unfair and partial than to bring forward the question, in an abstract form,

Should it be urged in defence of such conduct, that full explanations had been previously given in Parliament, in which all the preceding and concomitant circumstances were fully stated, I answer, that, in point of candour and justice, this could not preclude the necessity of stating the case in its connexion with those circumstances, when it was considered with reference to a personal act of His Majesty. Surely if the royal conduct *was* to be made a subject of inquiry in Parliament (I shudder at the mischief involved even in the supposition), the Sovereign was entitled to the privilege which belongs to the meanest of his subjects—that of having the whole of his case brought forward at once, and with immediate reference to the inquiry, instead of trusting, with regard to a material part of it, to the impressions which previous explanations might have produced on the minds of his judges. As, however, the charge was advanced in an abstract form, and supported by partial and garbled statements, it is become necessary to call the public attention to those facts, without a due attention to which it is impossible to take a correct view of the important and interesting transaction to which they relate. Yet let me not be supposed to undertake the presumptuous task of explaining the conduct of my Sovereign. That task would be a libel on the Constitution, which has cautiously placed

the acts of the Crown, as such, above—not only the necessity of explanation—but the reach of investigation. Deeply do I deplore the familiarity with which the sacred name of Majesty has been introduced into recent discussions and explanations; and greatly should I rejoice if, by the appeal which I am now making to the genuine principles of the Constitution, and to the real facts of the case, I should contribute, in any degree, to prevent so dangerous an example from being drawn into a precedent. I feel the more anxiety on this subject, because I cannot forget that the principles of the party, with which your Lordship has so long acted, are essentially repugnant to the inviolability of the sacred person of Majesty. I could mention distinguished members of that party, who, in those inflammatory speeches which their extravagant admiration of the French revolution drew from them, both in and out of Parliament, have laboured frequently to convert our Revolution, in 1688, into an authority for the treasonable doctrine, that *the people of this country have a right to cashier their Sovereign for misconduct:* in fact, according to the avowed principles of the party to which I allude, no Majesty is sacred but the Majesty of the people—no Sovereign impeccable but that popular multitude, whose sovereignty was the long standing toast of these modern Whigs.

A very brief detail of facts will be sufficient to

place the subject of the Pledge in its true light. In the year 1793 an Act was passed in the Irish Parliament, by which His Majesty was empowered to grant military commissions to the Romanists of Ireland: in which Act, however, were inserted limitations, whereby persons of that description were declared to be incapable of filling the situations of Commander in Chief, Master-general of the Ordnance, and General on the staff. Early in the present year it was proposed to His Majesty, by the then Ministers, to extend the provisions of the said Act to Great Britain. To this proposal His Majesty replied by expressing his "disapprobation of the measure which had been recommended, and the hope he had entertained that "the subject would not again have been agitated *." In consequence, however, of renewed representations and solicitations on the part of Ministers, who entreated "His Majesty's permission to propose to Parliament a clause, *to the effect before stated*, to be inserted in the Mutiny "Bill then pending in the House of Commons†," His Majesty, expressly declaring "that *he could not consent to any new concession* ‡," consented, "in consequence of the Irish Act, and on that "account alone, to take the proposition of his

* See a publication entitled, Substance of the Speech of Lord Viscount Sidmouth, p. 8.

† Ib. ‡ Ib.

"Cabinet into further consideration *;" and the following day he returned His final answer, which stated that—"however painful His Majesty had "found it, to reconcile to his feelings the removal "of objections which may have the most distant "reference to a question, which had been the sub-"ject of such frequent and distressing reflection, he "would not, under the circumstances in which it "was so earnestly pressed, adverting particularly to "what took place in 1793, prevent his Ministers "from submitting, for the consideration of His "Parliament, the propriety of inserting the pro-"posed clauses in the Mutiny Bill. Whilst, how-"ever, the King so far reluctantly conceded, He "thought it necessary to declare that HE COULD "NOT GO ONE STEP FURTHER†." Notwithstanding such clear proofs that His Majesty considered the proposed measure in no other light than as an extension of the Irish Act of 1793 to Great Britain; that He at length acceded to the proposal solely in consequence of that Act; and that He was determined not to consent to any new concession, nor, as he was graciously pleased most explicitly to declare, *to go one step further*; notwithstanding, I say, such unequivocal evidence of His Majesty's understanding and fixed determination on the subject, your Lordship first proposed to insert clauses in the Mu-

* Substance of a Speech of Lord Viscount Sidmouth, p. 9.
† Ib. p. 10.

tiny Bill, and afterwards, abandoning that measure, you brought an original Bill into the House of Commons, the effect of both of which was, not only to repeal the limitations contained in the Irish Act, but also to admit the Romanists and other dissenters of Great Britain into the army and navy, without any limitation or restriction whatever!

It is not necessary, with regard to the question immediately before us, to examine the explanations by which it has been attempted to justify the conduct of Ministers on this occasion, and the object of which was to shew that they considered themselves authorized by His Majesty, to extend the measure so far beyond their original proposal, and beyond the limits which His Majesty had so explicitly prescribed to them. Allowing them the utmost possible effect of their explanations, and viewing their conduct in the most favourable light which it can bear, it is nevertheless indisputably true, and it is proved to be so by their own explanations, that an extension of the measure, in any degree whatever, was totally unauthorized by the King; and in encouraging themselves to form a different opinion, they exhibited, perhaps, the most striking and memorable instance, to be found in the annals of self-delusion, of the disposition of mankind to deceive them-

selves, when ardently engaged in the pursuit of a favourite object.

No sooner was His Majesty apprized of the extent to which it was attempted to carry the proposed measure in Parliament, than he took occasion to express his surprise at the attempt, and to signify his objections to the Bill which had been brought into the House of Commons. That Bill the Ministers immediately determined to withdraw; but at the Cabinet meeting at which this resolution was taken, and to which, strange as it may seem, neither the Lord President, the Lord Chancellor, nor the Lord Chief Justice of the King's Bench was summoned, a minute was framed, for the purpose of being presented to His Majesty, by which the Ministers, whose minute it was, expressly reserved to themselves a right to express in Parliament their sentiments, not only in favour of the Bill which they proposed to withdraw, but also on the "*Catholic Petition*," *in the event of its coming forward*; and also *to submit from time to time to His Majesty, for his decision, such measures as circumstances might require respecting the state of Ireland.* This Cabinet minute, being presented to His Majesty, produced that demand of a pledge, which has, most unwarrantably, and most unconstitutionally, as has been proved, been made the subject of accusation, in both Houses of Parliament.

From this brief recital it is, I conceive, sufficiently apparent that, in order to form a correct notion of the pledge, it is necessary to trace its connexion with the transactions which immediately preceded it, and more especially with the Cabinet minute, to which it obviously stood in the relation which the effect bears to its cause. Viewing it in this light, as a natural and indeed necessary result of the conduct of the late Ministers, and thereby as affecting their character, I feel myself entitled to comment upon it with a freedom of observation, which would be unbecoming if it were merely considered as the personal and insulated act of His Majesty.

It is well known that the King considers the claims of the Irish Romanists, and, indeed, every kind of attempt to repeal the Test Laws, as dangerous to the established Church, and, consequently, as incompatible with the oath which he took at his coronation, to maintain, to the utmost of his power, the Protestant reformed religion, *established by law*. To such conscientious feelings in the breast of His Majesty, even if they were not in perfect unison with the sentiments of the Legislature, and of the nation in general, it might reasonably be expected that those who entertain a different opinion, would be disposed to yield so far at least as to wave every attempt to force

measures which are repugnant to a sense of religious obligation in the Royal mind. But, on the contrary, such measures are persisted in with a pertinacity which seems to indicate, not only a consciousness of infallibility, but also an utter disregard to the truly laudable motives and feelings by which the Sovereign is known to be actuated. In complaining, however, of this conduct, and in placing the subject in such a point of view, let me not be suspected of a wish to evade a discussion of the question respecting the claims of the Romanists, as they affect our Church Establishment. I trust, my Lord, that in my Letter to Mr. Whitbread, to which I have already alluded, it was made manifest that such claims are fraught with certain and imminent danger to that Establishment; and I feel so confident of the strength of the grounds on which I endeavoured to maintain that position, that I here renew the challenge which I then gave * to the advocates for further concessions to the Romanists, to meet me on those grounds. Until this challenge be accepted, I shall consider myself authorized, by what I have already advanced, to assert, that every fresh concession will be attended with fresh danger to the national Church. In the mean time it may not be amiss to observe, that

* Pages 41 and 62.

those who hold a different doctrine, instead of resorting to argument, or condescending to examine the principles, upon which our ancestors argued and acted in relation to this subject, and which are the true principles of the Constitution, content themselves with displaying the imaginary and eventual advantages, which they fancy to be the necessary result of a renunciation of those principles, while they treat with affected contempt what they choose to call *the senseless cry of The Church in danger*. But can any thing be really more *senseless* than this affectation of despising the apprehensions which are entertained by the friends of the Church, lest the removal of its ancient bulwarks should prove a dangerous experiment? As well might the Governor of a strong place, which had withstood many a siege, be ridiculed for apprehending any danger from dismantling the fortress, and exposing it to the assault of the first enemy that might thereby be tempted to so easy a conquest.

That the Test Laws were intended as safeguards of our Ecclesiastical Establishment, is a truth which I presume no one will attempt to dispute. There is, indeed, a legislative declaration upon this subject, stating expressly that "the "Corporation and Test Acts were made for the "security of the Church of England, as by law

"established*." It is true the times in which those Acts were passed have been recently denominated the *dark ages*; but whatever authority there may be for applying to them such an appellation, I must be allowed to doubt whether the *present*, with all the advantages they have derived from the illuminating doctrines of modern philosophism, are really more *enlightened*. Nay, my Lord, I will venture to say, that if we judge of the comparative radiance of these different periods by a reference to the conduct of our ancestors, and to the principles upon which we ourselves act, with regard to the subject immediately under consideration, it will appear that we have suffered a most deplorable diminution of the light of true wisdom. In framing the Test Laws, to serve as the bulwarks of the national Church, and in the measures by which they endeavoured to make those laws permanent, the former displayed a profound knowledge of human nature, and an admirable capacity of adapting the means to the end; but the encroachments which in our times have been made upon these bulwarks, especially where they are most weak, as in Ireland—and the attempts which we are daily witnessing, even on the part of persons, who, like your Lordship, profess an ardent zeal for the preservation of the Church, to

* 10 Ann. c. 2.

remove them altogether, prove that the light of which we boast is little better than *darkness visible*.

Our Test Laws, as your Lordship well knows, are founded on the principle, that the power of the State cannot, consistently with the safety of its established Church, be intrusted to persons who are not members of that establishment; in other words, that conformity with the national Church is, with a view to the above important, and, as your Lordship will not deny, indispensable object, a necessary qualification for offices of power and trust. This principle, notwithstanding the numberless violations which it has recently experienced, and the attempts which are made to get rid of it entirely, is, I will boldly assert, the only one upon which any effectual protection can be afforded to an established Church, and I defy the ingenuity of man to discover any other which can answer that purpose. For it is a truth which the light of reason most clearly points out, and of which it would denote the grossest ignorance both of history and of human nature to doubt, that power, if intrusted to persons who are not in conformity with the Church, will be employed by them, according to their numbers, their means, and their opportunities, against the establishment. The above principle is the true, and, indeed, the only valid bond of alliance between Church and State: which two parts of our mixed Constitution it holds

together by making the government in all its departments, essentially Protestant and conformist; and by requiring that, not merely the Sovereign, but all who derive any power and authority under him, shall be of the religion established by law.

The principle in question, my Lord, has moreover the sanction of experience in its favour. It has been uniformly acted upon in this country under all the religious establishments which, at different times, have here had the ascendency. Even those sects which are most clamorous for its sacrifice, whether Romish or Protestant, adhered to it, invariably, when they were respectively in power; and *that*, with a degree of rigour, which affords a striking contrast to the mild spirit of the existing Church. It is surely with a very bad grace that such sects ask for a sacrifice in *their* favour, which they were never disposed to make in favour of *others*. They were, however, right upon principle in not making such a sacrifice. What then shall be said of the guardians of our Church, if guardians they can be called, who are desirous of depriving it of fences, which have at all times been deemed essential to the security of an ecclesiastical establishment?

If a principle, which is so strongly recommended by reason and experience, could want the support of any other authority, I have it in my power to

refer to an authority to which I trust your Lordship will be disposed, even in this refined age, to pay some respect. It is no other than that of King William, whose *glorious and immortal memory* your Lordship's friends were once in the habit of drinking, as a favourite toast, at their political convivialities. That Monarch, before his accession to the English throne, was applied to by James II. for his consent to a repeal of the English Test Laws, which were found by James to be the grand obstacle to the success of his favourite project—the establishment of Popery. To this application the Prince replied in a manner, which not only contained a full recognition of the indispensable necessity of those laws, for the security of the Church, but a most satisfactory answer to the cavils which are frequently made against them, on account of their being, as is most falsely pretended, incompatible with toleration, and fraught with hardships on those whom they exclude from power. It is stated by Hume that, upon receiving the application, "the Prince would go no further "than to promise his consent to the repeal of the "penal statutes, by which the Nonconformists as "well as the Catholics were exposed to punishment: "*the Test he esteemed a security absolutely neces-*"*sary for the established religion.*" Being further pressed upon this subject, Pensionary Fagel is stated by the historian to have thus expressed

the sentiments of their Highnesses: "That it "was their fixed opinion, that no man, merely "because he differed from the established faith, "should ever, while he remained a peaceable sub- "ject, be exposed to any punishment or even "vexation. That the Prince and Princess gave "heartily their consent for repealing legally all the "penal Statutes, as well those enacted against the "Catholics as against the Protestant Noncon- "formists; and would concur with the King in "any measure for that purpose. That *the Test was* "*not to be considered as a penalty inflicted on the* "*professors of any religion, but as a security pro-* "*vided for the established worship:* THAT IT WAS "NO PUNISHMENT ON MEN TO BE EXCLUDED "FROM PUBLIC OFFICES, AND TO LIVE PEACE- "ABLY ON THEIR OWN REVENUES OR INDUSTRY."

Thus far the historian. In a modern pamphlet, entitled The Letters of Fabius to the Right Honourable William Pitt, &c. and published in 1801 by Cobbett and Morgan *, the answer of Fagel is stated to contain the following just and most appropriate sentiments, which I quote literally from the above-mentioned publication, where the authority on which they are given does not

* As this valuable pamphlet is probably out of print, Mr. Cobbett would do well to republish it at the present juncture.

appear; that "Since the matter that was then "in hand related not to the making of new laws, "but to the total abrogation of those already "made, both by King and Parliament, their "Highnesses did not see how it could be ex- "pected of them that they should consent to "such an abrogation, to which they had so "just an aversion; *as being a thing contrary to* "*all the laws and customs of all states, whether* "*Protestants or Papists, who admitted none to* "*a share in the government or public employments* "*but those who professed the public and esta-* "*blished religion, and endeavoured to secure it* "*against all attempts whatever.*"

But the wisdom of our ancestors, my Lord, was not confined to the enacting of wise and salutary laws for the protection of our established Church. It appeared no less conspicuously in the means which they took to render those laws permanent, and, indeed, irrevocable. To make irrevocable laws is a task which seems, *prima facie*, to exceed even the omnipotence of Parliament; yet, on the other hand, the State which has no such laws, cannot be said to have any fixed and permanent constitution. I believe you will allow that *Magna Charta*, the *Habeas Corpus Act*, and the *Bill of Rights*, are laws of that description, and that it is not within the competence of Parliament to repeal them;

since they cannot be repealed without breaking down some of the pillars which support the Constitution. Our forefathers, in the days of King William, and at a subsequent period, finding that our Protestant established Church had become, by the uncontroliable force of events, an integral and an essential part of our happy constitution, thought it their duty to place the laws which had been made for its preservation, and which, as I have shewn, were alone calculated to afford it protection, beyond the danger of abrogation, by putting it out of the power of posterity to repeal them, without a violation of principles which are indisputably fundamental. This object they effected by contrivances of so admirable a nature, as to prove, in a most striking manner, the sagacity of the men who lived in those *dark ages*. The first expedient they resorted to for this purpose seems, of itself, fully sufficient to render the repeal of the laws in question impossible. Aware that such repeal could never take place without the royal assent, they bound the conscience of the King to refuse that assent, in case he should ever be called upon to give it, by obliging him, at his coronation, and by way of solemn and fundamental compact, to swear to maintain, to the utmost of his power, the Protestant reformed religion as established by law. And as the Test Laws were made, according, not only to their

obvious design, but to the subsequent express declaration of the Legislature itself*, "for the "security of the Church of England as by law "established;" nothing can be more obvious than that the Sovereign who should consent to the repeal of those laws would break his engagement to maintain, to the utmost of his power, the religion established by law. This construction would be indisputably just even if the words "to the utmost of his power," were not a part of the oath. Those words, however, are judiciously inserted, since they tend to prevent the possibility of any doubt or hesitation in the Royal breast, with regard to a subject of such major importance. Thus are the Test Laws themselves incorporated with the Constitution; and thus is their preservation made an essential part of the fundamental compact, which every British Monarch must take upon his accession to the Throne.

Let it not, however, be supposed, that the obligation of the Coronation Oath is confined to the Sovereign. Parliament is the legislative council of the King, and his constitutional adviser in all matters of legislation. It would be preposterous beyond all description of absurdity to maintain, that this Council can, consistently

* 10 Ann. c. 2.

with its duty, advise the Sovereign to violate his Coronation Oath; that is, not merely to forswear himself, but to break his fundamental compact—the very condition on which he holds his Crown. It is, therefore, clearly beyond the constitutional competence of Parliament to pass, through either House, and, of course, even to entertain, a Bill to repeal the Corporation and Test Acts. I am aware, my Lord, that in saying this I am casting a most severe reflection upon Parliaments which are now no more. I must not, however, suffer my respect for any part of the Constitution to supersede my regard for the whole. What then shall be said of those Ministers, who uniting the character of legislative and executive counsellors of the Crown, propose or favour Bills of such a description?

In the following reign an opportunity offered, which the Legislature did not fail to improve, of fortifying the established Church, by an additional, and, seemingly, an impregnable bulwark, and by providing still further against the possibility of a repeal of those laws, by which it had before been so carefully guarded. The occasion to which I allude occurred in the union between England and Scotland; of which union the preservation, for ever, of the respective churches of the two countries was made an essential and a fundamental condition. With regard to the English Church,

the Act of Union, Stat. 5 Ann. c. 8, declares, that " Stat. 13 Eliz. c. 12, and the Act of Uni- " formity, Stat. 13 and 14 Ch. II. c. 4, and all and " singular other Acts of Parliament, now in force " for the establishment and preservation of the " Church of England, and the doctrine, worship, " discipline, and government thereof, shall re- " main and be in full force *for ever*." And also that " every King and Queen, succeeding and " coming to the Royal Government of the " kingdom of Great Britain, at his or her coro- " nation, shall take and subscribe an oath to " maintain and preserve, inviolably, the said " settlements of the Church of England, and the " doctrine, worship, discipline, and government " thereof, as by law established." Thus was the preservation of the Church, as by law established, and consequently of the fundamental laws enacted for that purpose, made a condition of that great and important transaction, the incorporation into one, of the two, till then, independent kingdoms of England and Scotland, and even the Corona- tion Oath was made more full and precise; to strengthen, as it were, the before in- surmountable barrier against every attempt to repeal the laws on which the Church depended for protection. In like manner the late Union between Great Britain and Ireland was made an occasion of furnishing another barrier to the

Church, and of making its preservation a bond of alliance between the two kingdoms of Great Britain and Ireland. By the Stat. 40 G. III. c. 67, the Act by which this great transaction was completed, it is enacted, that "the doctrine, "worship, discipline, and government of the "United Church of England and Ireland, shall "be, and shall remain in full force for ever, as "the same are now established for the Church of "England; and the continuance and preserva- "tion of the said United Church as the esta- "blished Church of England and Ireland, shall "be deemed and taken to be an essential and "fundamental part of the Union."

It is impossible, my Lord, to read the passage here extracted from the Act, by which the kingdoms of Great Britain and Ireland were united, without being struck with the inconsistency of the Legislature, in professing so much solicitude for the perpetual maintenance of the Protestant Episcopal Church, when, by progressive concessions to the Irish Romanists, it had so nearly given up the bulwarks of that Church, to a class of separatists, against the designs of which it was the main object of those bulwarks to guard, and which is indisputably the most formidable to our Protestant establishment. Unless the reasoning which I have above submitted to your Lordship's consideration can be overthrown, it necessarily

follows that the system of concession, which had been so long pursued, involves a gross violation of some of the fundamental principles of our Constitution; of those principles which were consecrated at the Revolution, which were most solemnly recognised by the two Acts of Union above noticed; and the operation of which had placed the House of Brunswick on the British Throne. The only defence that can be made in favour of such a system, is founded on the plea of expediency. The state of Ireland, the numbers and dispositions of the Romanists, and the necessity of conciliating them by concession, are the reasons which are usually urged in justification of that progressive compliance with their demands, which has been a distinguishing feature of the present reign. But, alas! the *present* state of Ireland, as well as what it has suffered from intestine convulsions since the system of concession has been acted upon, and the most embarrassed situation in which we now find ourselves, in consequence of our having proceeded so rapidly and so far down the steep of concession, that it is scarcely less difficult to stop, than it would be dangerous to proceed; all this affords a memorable proof of the folly and the mischief of that short-sighted policy, which sacrifices principle to expediency. Depend upon it, my Lord, that such a sacrifice is sure to disappoint

those who make it, and, in the end, to convince them, unless they be so infatuated as not to be open to conviction, that nothing can be more *inexpedient* than *a departure from principle*. This truth is awfully sounded in our ears from that neighbouring island where our Church establishment is in a declining, and a most perilous state; where it has every thing to apprehend from the great increase of Popery, and of the restless and insatiable disposition of the adherents to that religion. Our forefathers, my Lord, to whom we are so much indebted for the blessings we enjoy, deprecated an increase of Popery in a Protestant state, as an evil of the most alarming kind. We, of this enlightened age, seem, however, to be of a different opinion, since we have so eagerly pursued measures which were calculated to produce such an increase, and which, in point of fact, have actually produced it. Systematic concession of power in the State to separatists from the established Church, tends, in the nature of things, to foster those separatists, by giving them hopes of an entire removal of all disabilities, and by opening to them a prospect, in case their numbers should enable them to enter into a competition with the national Church, of the establishment of what they consider to be the only true religion—that is, their own. What then must be the influence of such concession

upon a sect which is, more than any other sect of religionists, bigotted to its own persuasion; the great body of which, whatever may be the opinion of a few more enlightened individuals, considers salvation as confined within the pale of its own Church; one of the characteristic features of which is a spirit of proselytism, and which, in Ireland, constitutes an immense majority of the population of the country? No wonder, my Lord, that the Roman religion in that country has, of late years, been rapidly gaining ground upon the Protestant. No wonder that, as I am credibly informed, the grant of the elective franchise to the Romanists produced a visible and an instantaneous increase of Popery. The effect, however, of concession has not been merely to render the Romanists more formidable in point of numbers; it has made them, at the same time, more insatiable in their desires, and more imperious, as well as unreasonable, in their demands. Of this it is impossible to conceive a stronger proof than the extent of their claims, as unfolded in the Petition which they presented to both Houses of Parliament on the 25th of March 1805. The object of that Petition was nothing less than the entire removal of every remaining disability, and a full participation of power, rank, and office, with the members of the established Church; in short, according to their insidious

language, complete emancipation ; that is to say, a repeal, in their favour, of all the laws, still in force, which were made for the protection of the Protestant Church against Popery and arbitrary power ; the enemies from which, as experience had proved, it had most to dread. What would have been said, my Lord, if the Romanists of Ireland, when first they demanded any thing beyond toleration, had intimated the remotest possibility of their requests being ever carried to the extent of this Petition ? Would not the most strenuous advocate for their claims have rejected such exorbitant pretensions, when the floodgates of concession were first opened ? Instead, however, of suffering us to expect such an enlargement of views, the claimants of that day took care to encourage the hope, that they would be completely satisfied with a grant of their then comparatively moderate requests. Nay, at a subsequent period, when they had tasted the sweets of concession, they most positively disavowed all claim to what they call emancipation ; and they then stated their *ultimate* claims, which were published, in the following terms, by the authority of their general Committee : " Resolved, that the Committee has " been informed that reports have been circulated, " that the application of the Catholics for relief " extends to total and unlimited emancipation ;

" that therefore we think it necessary to declare " that the whole of our late application, whether " to His Majesty's Ministers, or to men in power, " or to private members of the Legislature, neither " did nor does contain any thing more, either in " substance or in principle, than the four following " objects :

" First ; Admission to the profession and prac- " tice of the law.

" Second ; Capacity to serve on county magis- " tracies.

" Third ; A right to be summoned and to serve " on grand and petit juries.

" Fourth ; The right of voting in counties only " for *Protestant* members of Parliament; in such a " manner, however, as that a Roman Catholic free- " holder should not vote, unless he either rents or " cultivates a farm of twenty pounds per annum, or " else shall be in possession of a freehold of twenty " pounds a year."

Where, my Lord, are now the professions of moderation, which are so obvious on the face of the above resolution? What is become of that studious renunciation of all claim to emancipation, which is therein contained, and by which the Romanists endeavoured, at that period, to remove even the suspicion of having such a claim in contemplation? These questions find their answer in the Petition of 1805, where full and complete

emancipation (as it is termed) stands confessed as the only relief which can satisfy the expectations, or conciliate the minds, of the Petitioners. But can we be sure that even this demand (supposing that it were not, for the reasons already stated, inadmissible) is the boundary of their views—that they have no object beyond what they call emancipation; that, when they are admitted to a full participation of power with the members of the establishment, they will not use that power to the prejudice of the Church, and in opposition to that Protestant ascendancy, which is naturally the grand object of their jealousy? They endeavour, indeed, to quiet our minds, on this subject, by the most positive assurances, that they intend nothing hostile to the existing establishment. But are the professions of the Petitioners in 1805, more to be trusted than those of the Catholic Committee in 1792? Admitting, indeed, the *sincerity* of both, the experience we have had, with regard to the former, forbids us to place any reliance on the latter. Such experience warns us no longer to disregard the instructive truth—that concession is the parent of demand; and reason steps in with the seasonable admonition, that, if we would effectually secure the established Church, we must be careful not to arm with the power of molestation, those, from whom it has any cause to apprehend danger.

To one passage in the Petition I must solicit your Lordship's particular attention, because it serves to illustrate, in a most striking manner, the truth to which I have just alluded: it is as follows: "Your Petitioners most humbly beg leave to soli- "cit the attention of this Honourable House to the "distinction which has conceded the *elective*, and "denies the *representative* franchise to one and "the same class of His Majesty's subjects." Thus is the grant of the elective franchise expressly made the very groundwork of a claim to admission into the Legislature.

In order to account for this tendency of concession to produce effects so different from those which, to superficial observers, may seem to be its natural result, it is necessary to consider the word, according to its genuine meaning, as signifying a yielding, or compliance, not for the sake of justice, but with a view to conciliation. This distinction opens to us a vast field for useful reflection, in which our enlightened Statesmen and Senators would do well to suffer their minds to range. They will then discover that nothing is so likely to defeat its own purpose as concession; while nothing can be so conducive to conciliation, as to make reason and justice, which are, indeed, the same thing, the standard of demand, and the boundary of compliance. For there is then a fixed and settled rule, to the authority of which,

since it is deduced from equity, mankind are naturally disposed to bow, and which is alike calculated to preserve those who grant from indecision, and those who solicit from dissatisfaction. But when mere conciliation is the object in pursuit, there are no discoverable bounds to importunity on the one hand, and to acquiescence on the other. That object, like the natural horizon, recedes, as we endeavour to approach it. Every compliance, by encouraging hope and inflaming desire, serves only to increase dissatisfaction, to invite demand, and to remove conciliation to a greater distance. So insatiable, in short, is human nature, that when encouraged to form indefinite views of gratification, instead of enjoying, with content and gratitude, its past attainments, it indulges a restless longing for further acquisitions: and thus, while any thing remains to be granted,

> " That cruel something unpossess'd,
> " Corrodes and leavens all the rest."

How clearly is the above reasoning illustrated by the present state of Ireland! We have there seen that a series of concessions, made for the express purpose of conciliation, far from producing the desired effect, has led, at length, to demands, which those by whom they are now advanced thought proper, but a few years ago, most formally to disclaim all intentions of bringing forward.

Is it not fair to presume, my Lord, that the result would have been, not only much more favourable with regard to the general welfare and security, but also far more satisfactory (less it could not have been) to the Romanists themselves, if, instead of pursuing the improvident, and, as it has been proved, unsuccessful course of concession and conciliation, we had brought their claims to the test of reason and justice? We should then have found that nothing could be more unjust or unreasonable than those claims, when once they went beyond the line of toleration; for the moment they exceeded that line, and extended to the acquisition of office and power, they amounted to nothing less than a demand, that the general good should give way to private advantage, and that the personal interests of a part of the community should be consulted at the expense of the whole. It is true the general good is most plausibly urged, as the grand plea for a compliance with the few still unsatisfied claims of the adherents to the Roman Church. We are told by Mr. Grattan that concord and unanimity among ourselves are necessary to secure us against the effects of those convulsions which now distract the world; and that, if one part of the nation is hostile to the other, nothing short of ruin is to be apprehended. All this is very true, my Lord, and I hope it will produce its due effect upon those persons who

seem disposed, by a systematic opposition to Government, and by their struggles for power, not only to disturb our harmony, but to convulse the State. But, with regard to the occasion which called forth the above most seasonable admonition, what is it which prevents our *concord* and *unanimity* at such a crisis? What cause have we to apprehend hostility among ourselves, when our union is so much wanted for the salvation of Europe? What? but the discontent remaining in the minds of those of our fellow-subjects in Ireland, who, having obtained concessions far exceeding their own demands, refuse to be satisfied because they are still inadmissible to a few offices of trust, power, and emolument in the State! If, indeed, no good reason could be assigned even for these few remaining restrictions, their continuance would undoubtedly be a hardship; but it is notorious that they are continued because they are felt by the King, by the Parliament, and by the great bulk of the nation, to be still necessary for the purpose for which they were originally created—for the security of the Protestant establishment, and of the Constitution in Church and State: a feeling which is surely entitled to the respect even of those who do not partake of it. Still, however, according to the modest pretensions of the Romanists, the King, the Parliament, and the nation, are to subdue

their feelings, and to give up, not only all apprehensions of danger, but all sense of duty, in order to conciliate those for whose conciliation so many sacrifices have been made in vain!

And now, my Lord, I feel myself fully authorized to conclude, that every consideration which is connected with this most important and most interesting subject—that reason, justice, the safety of the Constitution, nay, even that general concord and unanimity, call upon us firmly to resolve, and manfully to declare, that we will concede no further to our brethren of the Romish persuasion; that we are determined at length to make a stand, and to resist any further encroachment on the barriers of our establishments in Church and State. Depend upon it, my Lord, that nothing will tend so much to conciliate our fellow-subjects in Ireland, who are of that persuasion, as to convince them that they have nothing more to expect in the way of concession. If they are not satisfied with what they actually enjoy; if their hearts do not overflow with gratitude for what has been done for them in the present reign; if they do not esteem themselves happy, supremely happy, in the enjoyment of complete toleration; of every right, religious and civil, which can exist in a state of society; and of the full benefits of the British Constitution; it is most preposterous to expect that the

removal of the few remaining restrictions to which they are still subject, and which are so just and so reasonable, will satisfy them; or, indeed, that any thing will produce that effect, short of an establishment of their own religion.

I am aware, however, that they do not allow their situation to be quite so good as I have here described it, and that they affect only to wish for admission to the full benefits of the British Constitution. But this proves, either that they do not understand the Constitution, or that they disingenuously misrepresent it. In what code, my Lord, does it appear, that the British Constitution bestows on all descriptions of persons an equal right of admissibility to power and office? Instead of recognising, that Constitution takes especial care to prevent such an equality, by requiring certain qualifications, upon a principle of *exclusion*; in order that no persons may be admitted to situations of trust and confidence, but those who may safely be entrusted with the power and influence attached to them. It proceeds, in this respect, upon a supposition, the very reverse of that on which all the claims of the Romanists are founded—that offices are bestowed for the benefit of the community, rather than of the individuals who are to fill them. It is therefore, my Lord, that the Test Laws require conformity with the established Church, by way

of qualification for offices of power and trust. This qualification is indispensable in the highest of all offices. By Stat. 12, 13 W. III. cap. 2, it is enacted, " that whosoever shall hereafter come " to the possession of the Crown, shall join in " communion with the Church of England, as by " law established." The same principle is applied, with evident propriety, to those who hold offices under the Crown: and if this were not the case, the Constitution would be chargeable with the most palpable inconsistency—with the grossest absurdity. For what could be more inconsistent or absurd than to expose a Protestant Prince to be surrounded with Popish Ministers; or to entrust a person of the latter description with the care of the Royal conscience, which is bound, by an oath, to maintain the Protestant established faith? Such inconsistency and absurdity, however, lie at the very bottom of the claims for which your Lordship is a most strenuous advocate. Perhaps, indeed, your Lordship may object to my epithets; and what I call inconsistency and absurdity, you may denominate liberality; but what understanding beyond that of a child can fail to perceive, that such liberality would be subversive of a Protestant Throne? In fact, the claimants, instead of being debarred of any one of the numerous and incalculable benefits which are so richly bestowed, and, thank Heaven! so

securely protected, by the British Constitution enjoy those benefits in the fullest possible extent—in as ample a manner as their brethren of the establishment; and I challenge your Lordship to specify a single right or privilege, civil or religious, which is recognised by the Constitution, and of which, in the midst of their complainings, they are not in the full and undisturbed possession. The truth is, that, under the deceptious pretext of wishing to be admitted to the full benefits of the Constitution, they seek an alteration in the Constitution itself, in a most material part. They claim a sacrifice in their favour of some of its essential principles; an abrogation of some of its fundamental laws; in a word, they demand a surrender of some of its main bulwarks. And to induce us to yield to such exorbitant pretensions, they assure us that our compliance will procure their steady support and co-operation in the defence of the country, such as it would then be. Giving them, however, full credit for this assurance, it surely behoves us to beware how we tamper with the Constitution; for when that is gone, our great bond of union will be broken, the source of British patriotism and British valour will be dried up, and the country, so long the boast of Britons, and the envy of the world, will be scarcely worth defending.

The foregoing observations on the principle of our Test Laws will not, I trust, be deemed digressive, since they authorize me to remark, that the Bill which your Lordship lately proposed to the House of Commons, and which is closely connected with my main subject, was full fraught with danger to the established Church. The object of that Bill was to relieve the Romanists and other Dissenters from all remaining restrictions on their admission into the army and navy, and to make them admissible to all offices, even the highest, of a military nature. Such a measure was truly stated to be a partial repeal of the Test Laws, which were made for the protection of the national Church; and, indeed, a repeal of them in so material a point, that, as was justly observed, it would have been attended with less danger to that establishment, to grant what was still withheld, than what it was proposed to concede. It would, therefore, be rather an inadequate than an exaggerated description of the measure in question, to say that, if carried into effect, it could not fail to have made a practicable breach in the bulwarks of the Church.

The mere proposal of such a measure was calculated to excite the most serious alarm in the breast of His Majesty, feeling, as he did, the obligations of both his implied and express engagements, as the Head and Guardian of the ecclesiastical part of the Constitution. But how

must that alarm have been increased by the consideration, that the proposed innovation was attempted after the communications which had passed, on the subject, between Himself and the Cabinet Ministers, and the express intimations of the Royal Will which those Ministers had received! What then must have been the effect on His Mind of that Cabinet Minute, by which He was given to understand that, so long as he continued to employ the servants then in his confidence, he would never be secure against similar applications; that those servants, though, for the present, they yielded to the will of their gracious Master, expressly reserved to themselves the right, on any future occasion, not merely to reproduce the specific measure which they consented temporarily to abandon, but also to support any other measure of the like nature, which they might deem expedient—even to the full extent of those claims to which he could not accede, without an entire abandonment of the Church, the safety of which was more immediately intrusted to his care, under the awful sanction of an oath! Upon the communication of such a Minute, His Majesty could not but apprehend that his mind would never be suffered to enjoy any quiet, that his conscience would never be safe, while the servants, whose act it was, continued in office. And he might justly fear

that the attempts, of the projected, or, at least, probable, repetition of which, he thus received formal notice, might be repeated at a time, when he should no longer be in possession of sufficient vigour of mind and body to be able to make another stand; and that he might be drawn, at length, spite of himself, and of his past efforts, into a breach of the engagements which are nearest his heart, and thus become the very instrument of depriving the Church of those safeguards, which he had so long, and so successfully, defended.

To secure himself against such dangers, His Majesty had no other alternative than, either an immediate change of Ministers, or the demand of a pledge, which might counteract and control the Cabinet Minute. In conformity with that clement disposition, by which our most gracious Sovereign has invariably been actuated, he resorted to the milder expedient. And in calling upon his servants for a promise, never again to urge him to what he so justly considered a breach of one of his most important duties, he acted with a lenity and forbearance, truly descriptive of the character which he has always maintained, and which, distinguished, as it has always been, by firmness and constancy, has shed on Royalty a higher lustre than it ever before displayed.

The exaction of such a pledge, under such circumstances, was truly an act of grace and favour. It contained an intimation of the only terms, on which Ministers could continue to enjoy the confidence of their Sovereign; and it thereby afforded them, what nothing else could afford them, an opportunity of remaining in his service. With regard to His Majesty himself, it was an act of necessary self-defence; but the necessity which led to it was created by his servants—it was produced by their own conduct—it arose out of their Cabinet Minute. And although it was not of a nature to involve any *political* responsibility, yet its *moral* responsibility attached solely to those Ministers, who, by framing that Minute, had left His Majesty no other security than such a pledge, against their threatened, and probably, at last, successful importunity, to violate engagements imposed upon him by his royal character, and awfully confirmed by his Coronation Oath.

One word, my Lord, before I conclude, respecting the general doctrine, contained in the motions which have given occasion to this Letter—that it is contrary to the duty of Ministers, to restrain themselves by *any* pledge, expressed or implied, from giving their Sovereign any advice which, in their judgment, the course of circumstances may render necessary: in other words, that in advising the Crown they ought to be subject to

no other restraint than their own judgment. This doctrine is, I contend, a gross and a most dangerous fallacy.

Ministers are free to give such advice only as is compatible with the fundamental principles of the Constitution. They are, *ipso facto*, restrained by *implied* pledges, never to counsel a violation of those principles. By accepting their official situations, they virtually restrain themselves by such pledges. They are not at liberty to advise the King to make his prerogative absolute—to govern without Parliaments—to assume a dispensing power—or to break down any of the landmarks which the Constitution has set up, to preserve the regal authority on one hand, or the rights of the people on the other.

ERRATUM.

Here read the Paragraph at the Break in Page 55.

It is impossible not to perceive a close affinity between this doctrine, and that arrogant system, which assuming the proud title of the New Philosophy, refers all moral obligation to the test of conscience, and finds a ready justification for the worst of crimes, for rebellion, treason, and regicide, provided the perpetrator have a mind so depraved, a heart so vitiated, and a conscience so perverted, as to commit them *conscientiously*. At the risk of being thought deficient in that *liberality*, which is the boast of the age in which we live, I will venture to protest against such theories as subversive, both of morality and of civil society; and to affirm that virtue consists, not in following the

dictates of conscience, whatever they may happen to be, but in conscientiously observing those laws which the agent is bound to obey, and, above all, in obedience to that will which is the universal law. Upon the same principle, with regard to the question before us, I humbly conceive it to be the duty—the first duty—of Ministers, not, as has lately been contended, to keep themselves free to pursue any course which their judgment may approve, but to take especial care that their judgment be rightly informed, that it be well directed, that it be under the guidance of sound principles —of the genuine principles of the Constitution. This they are bound to do by virtue of an implied pledge, which devolved upon them when they assumed their official character.

Should it be said that all this was to be presumed, and that the motions were necessarily to be understood with such restrictions; I answer, they could not be so understood; they would not bear such a construction. They contained an unequivocal declaration that it is contrary to the duty of Ministers, to bind themselves by *any* pledge, expressed or implied. It is impossible for language more clearly or more positively to negative the possibility of Ministers, consistently with their duty, being bound by any restraint but such as may be prescribed by their own judgment; to which fluctuating, and, in times like these, more than ever precarious standard, the justifiableness of mi-

nisterial advice is referred by the modern expounders of the Constitution.

From implied pledges the transition is easy to such as are expressed; and even with regard to these, it would, I conceive, be difficult to justify the unqualified language of the motions. I wish the movers had fairly met, though it had been but hypothetically, the case which in reality had occurred; and had informed the public whether, on the supposition that Ministers had given the King just cause to expect from them unconstitutional advice, and that His Majesty, instead of resorting to the harsh measure of dismissing them from his councils, had called upon them for a pledge, never to offer such advice; whether, I say, under such circumstances, Ministers would violate their first duty, or any duty, by listening to such a call, and by promising to make the rules of the Constitution the limits of their functions, as confidential counsellors of the Crown.

If, however, the late Ministers thought differently upon this subject; if, according to their view of the Constitution, it was contrary to their duty to bind themselves, at the call of their Sovereign, by a pledge, which some of themselves had rendered indispensably necessary for the quiet of his mind, and the safety of his conscience—and the sole object of which was to restrain them from advising measures, from a compliance with

which he felt himself restrained by the most solemn sanctions, religious and political; if, in short, they were of opinion that they could not be restrained by any pledge, implied or expressed, from advising the King to break his Coronation Oath, or to violate principles which had were consecrated by the Revolution, and which had placed the House of Brunswick on the throne; if, I say, such were their notions of duty, they could do no otherwise than decline the pledge which had been required from them. What I complain of is, that the personal act of the King, in demanding such a pledge, has been made a subject of accusation in Parliament. It would be well, my Lord, if a veil could be drawn for ever over this proceeding; but as that is impossible, nothing remains but to endeavour to counteract its mischievous tendency, by exposing its unconstitutional nature, and by subjecting it to merited censure, and to general reprobation. This duty, my Lord, I have endeavoured faithfully to perform.

I am, my Lord,

Your Lordship's most obedient Servant,

JOHN BOWLES.

Dulwich,
June 30, 1807.

THE END.

Lately published by the same Author.

A VIEW of the MORAL STATE of SOCIETY at the Close of the XVIIIth Century. Third Edition, Price 3s.

A DISPASSIONATE INQUIRY into the best Means of National Safety. Price 2s. 6d.

A LETTER addressed to SAMUEL WHITBREAD, Esq. in consequence of the unqualified Approbation expressed by him of Mr. Lancaster's Plan of Education, Price 2s.

S. GOSNELL, *Printer, Little Queen Street.*

BOOKS

PRINTED FOR JOHN JOSEPH STOCKDALE, NO. 41, ABOUT THE MIDDLE, ON THE NORTH SIDE OF PALL MALL.

1.—*In a few days will be published,*

SUBSTANCE of the SPEECHES of Lord Viscount Castlereagh, in the House of Commons, on the subject of Finance. Illustrated with various Tables, Calculations, &c.

2.—Price 2*s.* 6*d.*

SUBSTANCE of the SPEECH of the Right Honourable GEORGE CANNING, in the House of Commons, on Monday, January 5th, 1807, in the Debate on the LATE NEGOTIATION with France.

3. Second Edition, Price 2s. 6d.

A VINDICATION OF THE COURT OF RUSSIA,

from a false and treasonable Attack in a Pamphlet,

ENTITLED,

THE STATE OF THE NEGOTIATION.

4.—Second Edition, Price 2*s.*

AN ADDRESS TO R. B. SHERIDAN, ESQ.

ON HIS

PUBLIC AND PRIVATE PROCEEDINGS DURING THE LATE ELECTION FOR WESTMINSTER:

Including the State of Domestic Politics at the commencement of the New Parliament; with a View of the "Letter to the Earl of Moira, on certain Accusations, against the Prince of Wales:" and occasional Remarks on the Prince of Wales, Marquis Wellesley, Earl of Moira, Sir Francis Burdett, Messrs. Whitbread, Elliott, Sheridan, T. Sheridan, Paull, Moore, Britten, Cobbett, &c.

5.—Second Edition, Price 2s. 6d.

MR. FOX'S TITLE TO PATRIOT,

AND

MAN OF THE PEOPLE, DISPUTED;

And the Political Conduct of

MR. SHERIDAN AND HIS ADHERENTS

Accurately Scrutinised.

6.—Second Edition, to which is prefixed, a Letter to Lord Viscount Folkestone, on the Fallacy and Impolicy of resuming the Charges against Marquis Wellesley. Price 2s. 6d.

A VIEW of the NEGOTIATION, including a Refutation of the Statement contained in Mr. Fox's Introductory Letter; Observations on Talleyrand's Answer, and Remarks on some parts of "The State of the Negotiation," which have not been noticed in that most incomparable pamphlet "A Vindication of the Court of Russia," particularly in regard to the Oriental Administration of the Marquis Wellesley.

7.—Price 1s. each.

LETTER TO ADMIRAL LORD KEITH,

With Advice to the Captains who were under his Command, on the Subject of

A DUTCH FRIGATE, AND FIVE SAIL OF DUTCH INDIAMEN, Found at Anchor, when his Lordship arrived at Simond's Bay, Cape of Good Hope, in June, 1795; and an answer to the same.

8.—In 4to. Price 3s.

The BRITANNIAD and HIBERNIAD, Satirical Poems, On the Choice and Change of the late Ministers.

9.—Fourteenth Edition, embellished with a characteristic Frontispiece, Price 6s. in boards; or on fine drawing Paper, uniform with Elijah's Mantle, &c. 10s. 6d.

ALL THE TALENTS;

A Satirical Poem, in Four Dialogues,
And a PASTORAL EPILOGUE, with Notes,
By POLYPUS.

The Fourth Dialogue and Pastoral Epilogue, on the subject of recent Events, embellished with a humorous Frontispiece. Price 2s. 6d.

The PASTORAL EPILOGUE, to complete former editions, 1s.

10.—On fine drawing Paper and hot pressed, Price 1s.

ELIJAH's MANTLE;

A Tribute to the Memory of the Right Honourable WILLIAM PITT.

11.—Uniform with, and by the Author of the preceding, Price 1s. 6d,

THE UTI POSSIDETIS AND STATUS QUO:

A Political Satire.

N. B. As spurious and grossly incorrect Editions of the two last incomparable Poems are in circulation, the Publisher begs to observe that those only are accurate and by authority which are published by him.

12.—Third Edition, greatly enlarged, Price 1s. in boards.

ALL THE TALENTS' GARLAND,

Or a few Rockets let off at a celebrated Administration.

The additions may be had separately, price 2s.

13.—Price 1s. 6d.

FLAGELLUM FLAGELLATED. A Satirical Poem. With Notes. By BEN BLOCK.

14.—Second Edition, with a Postscript, corrected and enlarged, Price 3s.

PLAIN FACTS,

Or a Review of the Conduct of the late Ministers.

15.—Price 1s. or 3l. 3s. per hundred,

MORE TALENTS STILL: being Lord Grenville's Letter to Dr. Gaskin, with the Answers thereto

16.—In 4to, illustrated with a Plan of the Operations, Price 5s. in boards,

NARRATIVE of the OPERATIONS of a small BRITISH FORCE, under the Command of BRIGADIER-GENERAL SIR SAMUEL AUCHMUTY, employed in the Reduction of Monte Video, in the River Plate. With an Appendix of Official and other Papers.

By a Field Officer on the Staff.

17. Second Edition, elegantly printed on drawing Paper, hot-pressed, and embellished with cuts,

ZIMAO: an African Tale. Translated from the French, By the Rev. WEEDEN BUTLER, jun. A. M.

The following Works are edited by John Joseph Stockdale.

1.—Second Edition, in One large Volume, 8vo.

Illustrated with Eleven elegantly drawn Plates, containing 108 Subjects, and a Map of the World,—Price only 10s. 6d. or elegantly calf gilt, 13s.

ENCYCLOPŒDIA FOR YOUTH; or, An Abridgment of all the Sciences, for the Use of Schools of both Sexes.

2.—In one Volume, 12mo. Price 3s. in boards,

A PRESENT FOR AN APPRENTICE,

Or a Sure Guide to Esteem and Wealth, with rules for his conduct to his Master, and in the World. By a late LORD MAYOR of LONDON.—Third edition, corrected and enlarged from a copy found among the author's papers, since the publication of the former.

3.—Elegantly printed in Royal Octavo, on the finest Paper, and hot-pressed, Price One Guinea; in Demy Octavo 10s. 6d. or in 12mo. 6s. 6d. embellished with a capital Portrait of the Northern Hero, from the celebrated Painting in the Possession of Louis XIV. Dedicated to the Hero of the East, the Marquis WELLESLEY,

THE HISTORY OF CHARLES XII. King of Sweden.

BY M. DE VOLTAIRE.

To which are prefixed, ANECDOTES of the CZAR, PETER THE GREAT, OF RUSSIA, an Essay on the History, &c.

Translated from the best French Edition.

French Editions uniform and at the same Prices as the above Translation, will be ready in a few Days.

It is necessary to observe, that *this translation*, made from the most celebrated French edition, bears scarcely any resemblance to those heretofore published in England.

4.—In a few days will be published, in two large volumes 8vo. closely printed, price 1l. 5s. or on Royal Paper 2l. 10s. with a fine Portrait from Vandyke, and many Plans,

THE HISTORY OF THE LIFE OF GUSTAVUS, ADOLPHUS, King of Sweden, surnamed the GREAT. To which is prefixed an Essay on the Military State of Europe containing the Manners and Customs in the early part of the Seventeenth Century.

By the Rev. WALTER HARTE, A. M.
Canon of Windsor.

Third Edition, including the Appendix, revised, corrected, altered and enlarged.

As the Military Operations on the Continent are become of such general interest, and are carried so far Northward, the Publisher begs leave to recommend the above Histories, which give more insight into the mutual Advantages and Difficulties of the contending Armies than perhaps any other works extant.

5. *Preparing for the Press,*

In one large Volume, closely printed, in royal 8vo.

A CYCLOPEDIAN, or UNIVERSAL DICTIONARY OF LANGUAGE, ART, and SCIENCE;

COMPREHENDING

All the technical and other Terms of Art, Natural and General History, Mythology, Proper Names, a most extensive Gazetteer of the World, and satisfactory explanations, Definitions, and Descriptions of every Word that occurs in whatever Class of ancient and modern English Reading.